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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/706,612

11/12/2003

Jorn Maeritz

10808/112

5872

48581

7590

07/25/2006

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EXAMINER

SCHILLINGER, LAURA M

ART UNIT

PAPER NUMBER

2813

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/706,612	MAERITZ, JORN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Laura M. Schillinger	2813	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 9-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
- 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Bone ('309).

Bone teaches the following claimed limitations as cited below:

1. (Currently Amended) A method for the monitoring of a manufacturing process of a plurality of physical objects, said method comprising the steps of :  
performing an analysis by using values of at least one process parameter of the manufacturing process of a plurality of physical objects (Col.5, lines: 10-30 and Col.6, lines: 30-45);  
determining one physical object from the plurality of physical objections which best characterizes the plurality of physical objects, based on the analysis of the at least one process parameter (Col.8, lines: 5-15); and

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selecting the one physical object which best characterizes the plurality of physical objects, for monitoring the manufacturing process (Col.8, lines: 5-15).

2. (Original) The method as claimed in claim 1, in which the physical object is a wafer (Col.6, lines: 10-20).

3.(Original) The method as claimed in claim 1 or 2, in which the analysis is a statistical analysis (Col.7, lines: 1-25).

4. (Original) The method as claimed in one of claims 1 to 3, in which the values of the at least one process parameter are measured when the physical object is being manufactured (Col.6, lines: 30-45).

5. (Original) The method as claimed in one of claims 1 to 4, in which the physical objects of the random sample are subjected to a quality checking measurement for checking the quality of the respective physical object. (Col.6, lines: 55-65)

6. (Original) The method as claimed in claim 5, in which, for ascertaining the variation of the qualities of the physical objects, a physical object for which the value of the at least one process parameter has a prescribed difference from the random sample is additionally subjected to a quality checking measurement (Col.6, lines: 55-65).

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7. The method as claimed in claim 1 or 6, in which the statistical analysis comprises the ascertainment of the median of the values of the at least one process parameter (Col.9, lines: 1-15- the median mean values would be the ideal processing conditions (threshold value), error values are compared against to determine whether outside deadband).

8. (Original) The method as claimed in claim 1 or 7, in which the statistical analysis comprises the ascertainment of the arithmetic mean value of the values of the at least one process parameter (Col.9, lines: 1-15- the median mean values would be the ideal processing conditions (threshold value), error values are compared against to determine whether outside deadband).

### ***Response to Arguments***

Applicant's arguments filed 2/23/06 have been fully considered but they are not persuasive. Applicant argues that Bone fails to teach determining one physical object from the plurality of physical objects (based upon a processing parameter) and selecting the one physical object for monitoring the manufacturing process. This argument is not persuasive because Bone teaches on Col.8, lines: 5-15 that a child lot is formed to undergo subsequent testing when an processing error is detected. The child lot is formed when a batch of wafers undergoes incorrect processing as described in Col.7. The child lot is formed by selecting individual wafers from the batch, which was incorrectly processed. Thus Bone teaches precisely determining one physical object (wafer) from the plurality of physical objects (wafer batch), which is tested to monitor the manufacturing process. Bone merely teaches this determination and selecting steps are **repeated**

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to form a child lot to be tested. But the formation of this child lot requires a determination that the wafer selected is the *best* to be selected into the child lot.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura M. Schillinger whose telephone number is (571) 272-1697. The examiner can normally be reached on M-T, R-F 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl W. Whitehead, Jr. can be reached on (571) 272-1702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Laura M Schillinger', is written over a horizontal line.

Laura M Schillinger  
Primary Examiner  
Art Unit 2813

09/15/05